UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,798	06/16/2000	William J. Brosnan	IGT1P021/P-239	3320

22434 7590 05/03/2006

BEYER WEAVER & THOMAS LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER	
MCCULLOCH JR, WILLIAM H	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/595,798	BROSNAN, WILLIAM J.	
	Examiner	Art Unit	
	William H. McCulloch Jr.	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27,28 and 38-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27,28 and 38-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 June 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/14/05, 4/28/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments received 4/28/2005. Claims 27, 28, and 38-56 are pending in the application, with claims 1-27 and 29-37 cancelled, claims 27 and 28 amended, and claims 38-56 newly added.

Information Disclosure Statement

2. The information disclosure statements (IDS) with mailroom dates 4/14/2005 and 4/28/2005 were filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the examiner has considered the information disclosure statements.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27 (two instances), 28, and 45 recite the limitation "the network." There is insufficient antecedent basis for this limitation in the claims. For the purposes of this examination, the examiner will interpret "the network" as a data link between the recited first and second gaming machines. Appropriate correction is required.

5. Claim 39 recites the limitation "one of the wired connections is a fiber optic connection." There is insufficient antecedent basis for this limitation in the claim. Applicant appears to have intended claim 39 to depend from claim 38 (as opposed to depending from claim 27, as is the current recitation). For the purposes of this examination, the examiner will interpret claim 39 as depending from claim 38. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 27, 28, 38-40, 42, 45-51, 53, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,762,552 to Vuong et al. (hereinafter Vuong) in view of U.S. 5,971,855 to Ng (hereinafter Ng).

Regarding claims 27 and 46:

Vuong discloses a gaming machine comprising a housing, a master gaming controller, a display, one or more input devices coupled to a housing for accepting indicia of credit wherein the indicia of credit are for making wagers on the game played on the gaming machine, a communication interface connected to a network of gaming machines (see at least 3:30-40 and 4:6-19), wherein the gaming machine is capable of providing one or more game services (the gaming machine acting as the server receiving play information and sending outcomes to each of the gaming machines), including sending game information to a plurality of gaming machines within the network of gaming machines and wherein the gaming machine is capable of sending a first game information to a second gaming machine in a network wherein the second game receives the first game information and wherein the first game played on the second gaming machine comprises: receiving a wager on a first game outcome for the first

game, generating the first game outcome of the first game on the second gaming machine and displaying the first game outcome.

Vuong does not appear to specifically disclose the game information being downloadable game software and a memory for storing downloadable game software. However, Ng discloses a system wherein downloadable game software is used to update the game state of clients participating in the game (see at least abstract, 3:34-45, 8:31-44) in order to permit for the efficient and reliable sharing of software data and to further permit ad hoc entry and exit of the participating clients (2:47-51), wherein the distributed gaming information (such as the cards distributed to the players) are dependent upon an accurate count of the players at the participating client gaming machines. Vuong and Ng are clearly analogous since both refer to electronic network games and require updating in order to ensure a proper game outcome. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a system using downloadable game software, as described by Ng, into the gaming system of Vuong in order to permit for the efficient and reliable sharing of application data and to further permit ad hoc entry and exit of the application clients in a gaming environment.

Regarding claims 28, 40, and 47-49, Vuong teaches an embodiment of his invention that allows players to play keno (see at least and 4:20-31).

Regarding claims 38 and 50, Vuong teaches that gaming machines may communicate over wired or wireless networks (see at least 5:24-35 and 7:57-61).

Regarding claims 39 and 51, Vuong teaches that any of fiber optic cable, shielded coaxial, or paired cable capable of high-speed simultaneous transmission of digital communications may be used in his system (see at least 7:50-65). Therefore, providing a network comprising fiber optic communication is anticipated by the prior art.

Claims 45 and 56 are directed toward a communications network that is part of a progressive game network, a casino area network, or a bonus game network. Vuong teaches that gaming machines may be contained within the casino (i.e. "casino floor"), which is analogous to applicant's limitation of a casino area network (see at least 3:45-50).

Regarding claims 42 and 53, Ng teaches that in addition to game software updates, players may "unlock hidden features" of a game (see at least abstract). Since the "unlocking" represents a change in software settings, applicant's limitation of receiving software settings is anticipated by the prior art. Furthermore, the execution of game software would be affected by the new settings, thus applicant's limitation of executing the game software using the software settings is also anticipated by the prior art.

8. Claims 41, 43, 44, 52, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuong in view of Ng, and in further view of U.S. 5,836,817 to Acres et al. (hereinafter Acres).

Regarding claims 44 and 55:

The combination of Vuong and Ng teaches the gaming system described above. The combination of Vuong and Ng appears to lack explicitly disclosing that hardware

settings are transferred between gaming machines. However, Acres teaches an analogous gaming system that allows for updating of software and hardware settings. Acres teaches that automating methods for altering under utilized gaming devices' configurations may make them more attractive to play, and that by automating the changes, there is no need to utilize an attendant to perform the changes manually. See at least the abstract and columns 3 and 27-30. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the gaming system taught by Vuong and Ng collectively, in order to automate modifications to gaming system hardware, in order to make gaming devices more attractive to players and to save time and resources by automating the process, as taught by Acres.

Regarding claims 43 and 54, Acres teaches that pay tables may be altered according to state regulatory guidelines (see at least column 6).

Regarding claims 41 and 52, Acres teaches that progressive and bonus games may be played on his system (see at least column 6).

Response to Arguments

9. Applicant's arguments with respect to claims 1-26 and 29-37 have been considered but are moot in view of the claim cancellations and/or new grounds of rejection.

10. Applicant's arguments filed 4/28/2005 have been fully considered but they are not persuasive. Regarding claims 27 and 28, applicant contends that Vuong in view of Ng does not teach that the software of Ng is "executable software." In support of this argument, applicant alleges that the electronically erasable programmable read only

memory (EEPROM) is difficult and slow to program and that re-programming is not likely to be performed on an inexpensive handheld device. Regardless, such allegations do not make a convincing argument that programming of EEPROM is impossible. Indeed, as indicated by the name, the memory is capable of being programmed and re-programmed, and thus one of ordinary skill in the art at the time of invention would understand how to perform the necessary operations to update devices employing EEPROM. Furthermore, Ng states, "The preprogrammed game is stored on a memory, usually an electrically erasable programmable memory" (emphasis added, see at least 2:20-25). Therefore, Ng does not restrict the type of memory to an EEPROM, but rather presents such memory in one embodiment of the invention.

Applicant contends that the hand-held gaming device in Ng is not capable on its own of communicating what is termed "upgrades or modifications" by Ng to another hand-held gaming device. However, the examiner notes that direct communication between game devices is contemplated in Ng. For example, Ng states, "By being able to link their electronic game apparatuses to other electronic systems, including a Website and other electronic game apparatuses, users will receive increased benefit and enjoyment from their electronic game apparatuses" (see at least abstract). Thus, direct communication is within the scope of Ng.

The examiner notes that applicant's claims do not dictate that gaming software, updates, etc. originate from any one gaming device. Indeed, applicant's claims are directed toward transmitting gaming information from one gaming device to another via a communications link. There is no limitation in the claims that would preclude such

information being transmitted from one gaming device to another via an intermediary device, such as a server or host PC. Therefore, applicant's claimed limitations are anticipated by the prior art.

Citation of Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. 6,009,458 to Hawkins et al. teaches networked computer game system with persistent playing objects. Hawkins further teaches that different network embodiments (e.g. peer-to-peer, client/server, etc.) may be interchanged as a matter of design choice (see at least figures 1 and 2 and corresponding discussion).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William H. McCulloch Jr.
Examiner
Art Unit 3714
4/20/2006

wm

JOHN M. HOTALING, II
PRIMARY EXAMINER